

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

NOV - 8 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-98-00310-002

DATE: November 8, 2005

HON. ROBERT CLIVE JONES, Designated Judge
Court Reporter: Wanda Miles
Hearing Electronically Recorded: 12:07:20 - 12:57:36

Law Clerk: Kim Walmsley
Courtroom Deputy: Leilani Toves Hernandez
CSO: J. Lizama / D. Quinata

***** APPEARANCES *****

DEFT: REX S. ALADO aka "REX"

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: SAMUEL TEKER

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: JOHN DUENAS, IMMIGRATION & CUSTOMS
ENFORCEMENT

U.S. PROBATION: MARIA CRUZ

U.S. MARSHAL: V. ROMAN / G. PEREZ

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: _____ Total offense level: 36 Criminal History Category: IV

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Hoped the Court will take into account the defendant's substantial assistance and sentence the defendant to time served.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Sentence of time served is appropriate in this case.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Motion to Withdraw Guilty Plea argued by Defense. Government argued their objections to the motion.

The Court Denied the Motion and stated its reasons. No further written order will be forthcoming.

Motion for Downward Departure was Granted by the Court.

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF FIVE YEARS. WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISION RECOMMENDED BY THE SENTENCING COMMISSION AND THE FOLLOWING:

MANDATORY CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME DURING THE TERM OF SUPERVISION.
2. DEFENDANT SHALL NOT POSSESS ILLEGAL CONTROLLED SUBSTANCES. REVOCATION OF SUPERVISION IS MANDATORY FOR POSSESSION OF ILLEGAL CONTROLLED SUBSTANCES.
3. DEFENDANT SHALL SUBMIT TO MANDATORY DRUG TESTING AS DIRECTED BY THE PROBATION OFFICER. REVOCATION IS MANDATORY FOR REFUSAL TO COMPLY.
4. DEFENDANT SHALL SUBMIT TO DNA COLLECTION AND ANALYSIS AS DIRECTED BY THE PROBATION OFFICER.

SPECIAL CONDITIONS:

1. DEFENDANT SHALL NOT POSSESS, HAVE UNDER HIS CONTROL, OR HAVE ACCESS TO ANY FIREARM, EXPLOSIVE DEVICE, OR OTHER DANGEROUS WEAPON, AS DEFINED BY FEDERAL, STATE, OR LOCAL LAW.
2. IF ORDERED DEPORTED, DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL. IF NOT ORDERED DEPORTED, AND THE DEFENDANT IS RELEASED PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
3. DEFENDANT SHALL PARTICIPATE IN AND SUCCESSFULLY COMPLETE A SUBSTANCE ABUSE TREATMENT PROGRAM, WHICH WILL INCLUDE DRUG TESTING, OUTPATIENT COUNSELING, OR RESIDENTIAL PLACEMENT, AS APPROVED AND DIRECTED BY THE PROBATION OFFICER. DEFENDANT IS REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR SUCH TREATMENT, AS APPROVED AND DIRECTED BY THE PROBATION OFFICER BASED ON YOUR ABILITY TO PAY.

RESTITUTION IS NOT APPLICABLE IN THIS CASE. THE COURT WAIVED ALL FINES. DEFENDANT WAS ORDERED TO IMMEDIATELY PAY A SPECIAL ASSESSMENT FEE OF \$100.00.

THE PROBATION OFFICER WAS INSTRUCTED TO PROVIDE THE DEFENDANT WITH A COPY OF HIS SUPERVISED RELEASE CONDITIONS AND THE DEFENDANT MUST ACKNOWLEDGE RECEIPT OF THE CONDITIONS.

DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

DEFENDANT WAS REMANDED TO THE CUSTODY OF THE U.S. MARSHALS SERVICE.

Courtroom Deputy: 